

HOUSE BILL 3077

By Williams R

AN ACT to amend Tennessee Code Annotated, Title 69,
relative to designated municipal separate storm
sewer systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by
adding the following as a new, appropriately designated section:

69-3-148.

(a) As used in this section, unless the context otherwise requires:

(1) "Department" means the department of environment and
conservation;

(2) "NPDES" means national pollution discharge elimination
system;

(3) "Phase I designated municipal separate storm sewer system"
means a municipal separate storm sewer system located in incorporated
places or counties with a population of one hundred thousand (100,000)
or more; and

(4) "Phase II designated municipal separate storm sewer system"
means a municipal separate storm sewer system located in incorporated
places or counties with a population of less than one hundred thousand
(100,000).

(b) Any phase I or phase II designated municipal separate storm sewer
system that meets all statutory and regulatory requirements as prescribed by the
department for the issuance of a phase I or phase II permit may administer and
review its own storm water construction permitting program.

(c) An operator of a construction site located within the jurisdiction of a phase I or phase II designated municipal separate storm sewer system as described in subsection (b) who has obtained a notice of coverage from such system shall not be required to obtain a NPDES storm water construction permit by the department, or otherwise be required to meet any of the conditions for the issuance of such permit by the department, including the submission of a:

- (1) Notice of intent to apply for coverage under a NPDES storm water construction permit;
- (2) Storm water pollution prevention plan;
- (3) Notice of termination; or
- (4) NPDES storm water construction permit fee.

(d) A phase I or phase II designated municipal separate storm sewer system as described in subsection (b) shall have the authority to administer and review its storm water construction permitting program only as prescribed by the department pursuant to the promulgation of department rules and regulations and shall not exceed such authority.

SECTION 2. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. For the purpose of promulgating rules and regulations this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 2013, the public welfare requiring it.